



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION
WEDNESDAY, DECEMBER 15, 2021
AT 6:30 P.M.**

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order at 6:31 P.M. in the Council Chambers of the Upland City Hall.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Caldwell*.

3. ROLL CALL

MEMBERS PRESENT: *Chair Aspinall, Commissioners Anderson, Caldwell, Johnson, and Mayer*

MEMBERS ABSENT: *Vice Chair Grahn and Commissioner Shim*

ALSO PRESENT: *Development Services Director and Planning Commission Secretary Dalquest, Deputy City Attorney Maldonado, Assistant Planner Sisk, Administrative Analyst Davidson*

4. APPROVAL OF MINUTES

Moved by *Commissioner Anderson*, to approve the Minutes of the Planning Commission meeting of November 17, 2021.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (4-0-1):

AYES: *Chair Aspinall, Commissioners Anderson, Johnson, and Mayer*

NAYS: *None* ABSTAINED: *Commissioner Caldwell*

ABSENT: *Vice Chair Grahn and Commissioner Shim*

5. COUNCIL ACTIONS

Development Services Director Dalquest reported the City Council approved the design for the amended Downtown Upland Parklets Program located within Second Avenue between C Street and A Street and within 9th Street between First Avenue and Third Avenue at the November 22, 2021, meeting.

Development Services Director Dalquest reported the City Council also met on December 13, 2021, and approved two Mills Act properties, denied an agreement with Lamar Central Outdoor, LLC for two new off-premises advertising billboards with electronic displays located on the north side of Foothill Boulevard East of Monte Vista Avenue and the south side of Foothill Boulevard west of Mountain Avenue, and passed an Urgency Ordinance approving an amendment to the Municipal Code in anticipation of Senate Bill (SB) 9's commencement on January 1, 2022. He explained SB 9 ends single-family zoning in California and allows single-family lots to split as long as the lots are 60% to 40% of the original lot size but the lot created can be as small as 1200 square feet. He noted the lots can either be split with two units on each lot or keep the lot intact and implement a two-unit project that would allow for four units. He advised with Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) some lots could have up to five units. He explained where the City had discretion, it acted as conservative as possible to try to protect single-family neighborhoods, even though the City's hands were tied. He confirmed every city in the State of California will be impacted. He advised staff will prepare a permanent ordinance that will be presented to the Planning Commission before it comes to the City Council in the second quarter of 2022.

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In response to *Commissioner Johnson's* inquiry, *Development Services Director Dalquest* advised the City is superseded by the State for SB 9 and must comply.

6. FUTURE AGENDA ITEMS

Development Services Director Dalquest reported there are no items to report for the next Planning Commission meeting and advised there may not be a meeting required in January 2022 as the items may not be ready.

7. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed oral communications.

8. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT NO. 21-0007

Project Description: Consideration of a Conditional Use Permit for the establishment of a firearm retailer with accessory gunsmithing, in an approximately 772 square foot tenant space within a multiple tenant building in the Commercial/Industrial Mixed-Use (C/I-MU) Zone located at 1810 W. Foothill Boulevard, Suite A, further described as Assessor's Parcel Number 1007-061-10. (Staff Person: Jacqueline Sisk)

CEQA Determination: This Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines.

Applicant: Luis Preciado

Appeal Period: The Planning Commission's decision is final. An appeal period to contest this decision is December 16, 2021, to December 27, 2021.

Assistant Planner Sisk provided a brief overview of the Project, summarized the Staff Report, and reiterated Staff's recommendation.

In response to *Chair Aspinall's* inquiry, *Assistant Planner Sisk* advised the revised Draft Motion is a red line to the draft resolution and is attached as a Supplemental Memorandum. *Administrative Analyst Davidson* advised the Revised Draft Motion is in the staff report. *Deputy City Attorney Maldonado* advised the Planning Commission could move to approve the Resolution as revised and this would be sufficient for the motion.

In response to *Commissioner Caldwell's* inquiries, *Assistant Planner Sisk* reported the front door to the business is in the northeast corner, where the cage area is located. She advised a customer would have to walk through two doors, then be granted access from the business to enter. She clarified the hours of operation are unchanged and will remain Tuesday through Sunday 11:00 a.m. to 6:00 p.m. and there are no restrictions to their Conditions of Approval. *Development Services Director Dalquest* explained the City is not putting a restriction on the operation hours and if it did, the Applicant would have to come back to the Planning Commission to change the hours. He explained the Planning Commission can establish hours of operations as it is under their purview, however, a similar business on Mountain Avenue did not have their hours restricted. He advised the Planning Commission could set restrictions that the business could not operate after a certain hour.

In response to *Commissioner Mayer's* inquiry, *Assistant Planner Sisk* reported the building on the east side of the wrought iron fence is currently occupied by an office and a vacant office. She advised the proposed firearms store would share a building with a Rave retailer store and share parking with the other building. She explained there is also employee parking in the rear of the building. She confirmed all the other businesses meet their required parking spaces.

Chair Aspinall opened the public hearing.

Luis Preciado, applicant, reported he has been a Police Reserve Officer with the City of Upland for 22 years. He advised he is also a firearms instructor with the Department of Justice (DOJ) and the City of Upland. He confirmed he would not be conducting any firearms training at this site.

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In response to *Commissioner Caldwell's* inquiry, *Mr. Preciado* explained he will not be deviating from the proposed hours as that will require a change with ATF. He advised he must report his operating hours annually to both the DOJ and ATF.

In response to *Chair Aspinall's* inquiry, *Mr. Preciado* reported DOJ and ATF do not limit hours of operation.

In response to *Commissioner Anderson's* inquiry, *Mr. Preciado* explained that if he needs to meet with a law enforcement officer outside of business operations it would be by appointment only and the store would not be open to the public. He noted he also needs to obtain a firearm permit through the San Bernardino County Sheriff's Department and also submit his hours of operations to them.

In response to *Commissioner Johnson's* inquiry, *Mr. Preciado* explained, he and his business partner are always armed when operating the business which is a requirement of DOJ and ATF due to the nature of the business.

Commissioner Caldwell reported Condition of Approval 30.2 has been revised to require a review or inspection every six months to ensure compliance with operating conditions and believes the hours could be adjusted at that time if necessary.

Seeing no members of the public wishing to address the Planning Commission, *Chair Aspinall* closed the public hearing.

Moved by *Commissioner Anderson* to find the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines and to approve Conditional Use Permit No. CUP-21-0007 as amended for the establishment of a firearm retailer with accessory gunsmithing based on the findings and subject to the Conditions of Approval as set forth in the Resolution as amended in Exhibit A.

The motion was seconded by *Commissioner Johnson*.

The motion carried by the following vote (5-0):

AYES: *Chair Aspinall, Commissioners Anderson, Caldwell, Johnson, and Mayer*

NAYS: *None* ABSTAINED: *None*

ABSENT: *Vice Chair Grahn and Commissioner Shim*

B. CONDITIONAL USE PERMIT NO. 21-0008

Project Description: Consideration of a Conditional Use Permit for a Type 47 ABC License which authorizes the sale of beer, wine, and distilled spirits for consumption on the license's premises and to allow outdoor seating within a 2,871 square foot existing restaurant on a 0.45-acre parcel located in the Commercial/Residential Mixed-Use (C/R-MU) Zone located at 430 N. Central Avenue, further described as Assessor's Parcel Number 1007-441-05. (Staff Person: Jacqueline Sisk)

CEQA Determination: This Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines.

Applicant: Carlos Salazar

Appeal Period: The Planning Commission's decision is final. An appeal period to contest this decision is December 16, 2021, to December 27, 2021.

Assistant Planner Sisk provided a brief overview of the Project, summarized the Staff Report, and reiterated Staff's recommendation.

In response to *Commissioner Caldwell's* inquiry, *Assistant Planner Sisk* deferred food serving operation questions to the Applicant.

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In response to *Commissioner Anderson's* inquiry, *Assistant Planner Sisk* reported the dining area will be within the existing patio area so there is no expansion to the front setback of the existing building. She advised the patio area already exists and the Applicant will only be erecting plexiglass. She noted there will be no intrusion to the right-of-way or the sidewalk and confirmed the pillars will remain as-is.

Chair Aspinall opened the public hearing.

Carlos Salazar, applicant, reported the project is a Peruvian-inspired cuisine restaurant and is not a typical restaurant. He advised the restaurant has been a pillar in the Peruvian community for the past 25 years. He explained customers will be able to walk up and order take-out food but noted there will be a separate section for dine-in. He noted it is intended to be a family-oriented restaurant.

In response to *Chair Aspinall's* inquiry, *Mr. Salazar* reported the restaurant opened on April 15th. He provided a brief overview of the cuisine that will be served.

In response to *Commissioner Caldwell's* inquiries, *Mr. Salazar* clarified the original restaurant was in Pomona, moved to Claremont, and recently purchased the property at 430 North Central Avenue. He confirmed he had a Type 41 license when the restaurant was in Pomona and Claremont. He explained he is applying for a Type 47 license because different mixed drinks in Peruvian cuisine go hand in hand with the food. He clarified his intent is that the restaurant is a family environment. He confirmed he intends to build a small bar area to showcase some of the drinks they want to sell.

Commissioner Anderson expressed pleasure that Upland has obtained a restaurant from Claremont and expressed support for the CUP. *Mr. Salazar* expressed his excitement for his restaurant to be in Upland. *Commissioner Anderson* noted adding new spirits also adds a new revenue stream to the business and will help keep *Mr. Salazar's* doors open.

Commissioner Johnson expressed appreciation that *Mr. Salazar* purchased his building in Upland and wished him the best.

Seeing no members of the public wishing to address the Planning Commission, *Chair Aspinall* closed the public hearing.

Commissioner Caldwell expressed support for a beer and wine license and believes a Type 47 license is too intense for a restaurant with a drive-through and walk-up. She noted her concern is that the CUP runs with the land and should something change there is a very intense alcohol license in place. *Development Services Director Dalquest* clarified alcohol will not be sold through the drive-through and that is prohibited by ABC.

Moved by *Commissioner Anderson* to find the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines and to approve Conditional Use Permit No. CUP-21-0008 as amended for a Type 47 ABC License which authorizes the sale of beer, wine, and distilled spirits for consumption on the license's premises and to allow outdoor seating within a 2,871 square foot existing restaurant based on the findings and subject to the Conditions of Approval as set forth in the Resolution.

The motion was seconded by *Commissioner Johnson*.

The motion carried by the following vote (4-1):

AYES: *Chair Aspinall, Commissioners Anderson, Johnson, and Mayer*

NAYS: *Commissioner Caldwell* ABSTAINED: *None*

ABSENT: *Vice Chair Grahn and Commissioner Shim*

9. BUSINESS ITEMS

In response to *Chair Aspinall's* inquiry, *Administrative Analyst Davidson* reported she will distribute the proposed Planning Commission's 2022 calendar in January. She advised holiday dates will be discussed in

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February should the January meeting be canceled. She confirmed the meetings will continue to be held on the fourth Wednesday of each month and noted she will distribute the calendar to the Planning Commission following the meeting.

10. PLANNING COMMISSION COMMENTS

Commissioner Anderson recognized *Assistant Planner Sisk* for being the third quarter Employee of the Quarter. She wished everyone a Merry Christmas.

11. ADJOURNMENT

Moved by *Commissioner Mayer* to adjourn the meeting to the regular scheduled Planning Commission meeting on January 26, 2022.

The motion was seconded by *Commissioner Caldwell*.

The motion carried by the following vote (5-0):

AYES: *Chair Aspinall, Commissioners Anderson, Caldwell, Johnson, and Mayer*

NAYS: *None*

ABSTAINED: *None*

ABSENT: *Vice Chair Grahn and Commissioner Shim*

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 7:29 P.M., to the regular meeting of the Planning Commission on January 26, 2022, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission